IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE: NATIONAL COLLEGIATE)	MDL No. 2492
ATHLETIC ASSOCIATION STUDENT-)	
ATHLETE CONCUSSION INJURY)	Master Docket No. 1:16-cv-08727
LITIGATION – SINGLE SPORT /	
SINGLE SCHOOL (FOOTBALL)	This Document Relates To:
	All Cases
)))	
	Judge John Z. Lee
	Magistrate Judge M. David Weisman

JOINTLY-PROPOSED ORDER ON THE PRESERVATION OF DEFENSES

Plaintiffs Kerry Bonds, et al. ("Plaintiffs") and Defendants National Collegiate Athletic Association ("NCAA"), et al. ("Defendants" and collectively with Plaintiffs, the "Parties") stipulate and agree, through their respective counsel, to the entry of an Order pursuant to this Court's Case Management Schedule (Dkt. #91) with respect to the preservation of defenses in the cases that have been consolidated in the above-captioned matter. Accordingly, it is hereby ORDERED as follows:

- 1. As specified in this Court's Case Management Order No. 4 (Dkt. #1) ("CMO 4"), Defendants in these transferred actions were granted an extension of time in which to answer or otherwise plead until a date set by the Court. See CMO 4 (Dkt. #1) at 11. All available defenses were preserved. See id.
- 2. As set forth in the Case Management Schedule, the Parties will select four (4) sample cases to test the viability of the Single Sport/Single School cases through class certification. See Case Management Schedule (Dkt. #91) at 3. All available defenses in such cases (including but not limited to those set forth in Fed. R. Civ. P. 12(b)) have been preserved

through the selection process until the deadline for Defendants to respond to complaints in the sample cases (including by motions to dismiss) is set by the Court. <u>See id.</u> at 4.

- 3. The extension of the deadlines to file an answer or otherwise plead to the complaints filed in the transferred actions, as set forth in CMO 4, shall continue for the cases that are not selected as sample cases until further order of the Court, and those non-sample cases shall be stayed.
- 4. Further, as specified in the Case Management Schedule, no motions with respect to venue, personal jurisdiction or other matters that can be raised under Fed. R. Civ. P. 12 or otherwise shall be filed in any of the cases that are not selected as sample cases until further order of the Court, at which point the Court will specify a procedure to be followed for the non-sample cases. See Case Management Schedule (Dkt. #91) at 6. The cases not selected as sample cases shall, in turn, remain stayed unless and until they are selected to proceed as sample cases. See id.
- 5. The Parties in the cases not selected as samples do not waive and expressly preserve all available rights, arguments, claims and defenses (including but not limited to those set forth in Fed. R. Civ. P. 12(b)). Any and all such defenses and issues are thus preserved for Defendants in the non-sample cases until such time as the Court shall lift such stay and provide a procedure for the adjudication of such defenses for the Defendants in those cases. See Case Management Schedule (Dkt. #91) at 6.
- 6. The time for Defendants in the cases not selected as sample cases to file any third-party claims is hereby extended until further order of the Court. Any applicable statutes of limitations for filing third-party claims, including contribution claims, in the cases not selected as sample cases are expressly tolled until further order of the Court. The time for Defendants in the

cases selected as sample cases to file third-party claims is likewise extended until the selections are made and a schedule is set by the Court.

So Ordered.

Dated: 8/24/17

U.S. District Court Judge John Z. Lee

WE SO MOVE and agree to abide by the terms of this Order.

Date: February 24, 2017

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Date: February 24, 2017

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